
IN THE UNITED STATES DISTRICT COURT
CENTRAL DIVISION, DISTRICT OF UTAH

SANDRA K. REILLY, :
Plaintiff, : **Civil No. 2:11-cv-00183**
vs. : **MEMORANDUM DECISION &**
MICHAEL ASTRUE, in his capacity as : **ORDER**
Commissioner of Social Security
Administration, : **MAGISTRATE JUDGE BROOKE C.**
WELLS
Defendant.

This matter came for hearing on October 6, 2011, before United States Magistrate Judge Brooke Wells.¹ Plaintiff was represented by Michael E. Bulson of Utah Legal Services. Defendant was represented by Robert L. Van Saghi, Special Assistant United States Attorney. The court, having read the briefs filed in the case and having heard oral argument, now makes the following decision and order.

This is an appeal from a decision by an Administrative Law Judge entered April 28, 2009, finding Ms. Reilly not disabled for purposes of Social Security Income.²

¹Document Number 21.

²Document Number 11-2.

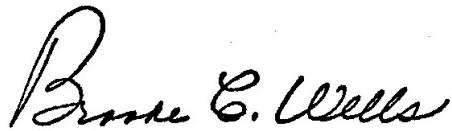
The ALJ found plaintiff capable of a limited range of light work, but failed to engage in any functional assessment of her limitations and work-related abilities as prescribed by Social Security Ruling SSR 96-8p.³ Such failure makes it impossible for this court to determine whether the ALJ's findings are supported by substantial evidence. Additionally, the ALJ failed to assess the frequency of Ms. Reilly's need to alternate between sitting and standing.

For these reasons the Court enters the following order:

IT IS HEREBY ORDERED that the Administrative Law Judge decision entered April 28, 2009, is reversed and the case remanded for proper development in accordance with this Memorandum Decision and Order.

DATED this 18th day of October, 2011.

BY THE COURT:



Brooke C. Wells
United States Magistrate Judge

³SSR 96-8p requires that work related abilities be assessed on a function-by-function basis. Specifically, "[a]t step five of the sequential evaluation process, RFC must be expressed in terms of, or related to, the exertional categories when the adjudicator determines whether there is other work the individual can do. However, in order for an individual to do a full range of work at a given exertional level, such as sedentary, the individual must be able to perform substantially all of the exertional and nonexertional functions required in work at that level. Therefore, it is necessary to assess the individual's capacity to perform each of these functions in order to decide which exertional level is appropriate and whether the individual is capable of doing the full range of work contemplated by the exertional level."

